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United States of America

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Civ. S-05-372 MCE/PAN
	)	
Plaintiff,	)	<b>FINDINGS AND</b>
	)	<b>RECOMMENDATIONS</b>
v.	)	<b>{PROPOSED}</b>
	)	
APPROXIMATELY \$7,737.00 IN U.S.	)	
CURRENCY,	)	
	)	DATE: N/A
Defendant.	)	TIME: N/A
	)	COURTROOM: N/A

This matter came on for hearing on before the Honorable Peter A. Nowinski on plaintiff United States' ex parte Motion for Default Judgment and for Final Judgment of Forfeiture. Assistant U.S. Attorney Kristin S. Door appeared for plaintiff United States. There was no appearance by or on behalf of any other person or entity claiming an interest in defendant property to oppose plaintiff's motion. Based on plaintiff's motion and the files and records of the court, THE COURT FINDS as follows:

1. This action arose out of a verified Complaint for Forfeiture in Rem filed February 24, 2004.

2. Plaintiff United States of America has moved this Court, pursuant to Local Rule A-540, for entry of default

1 judgment of forfeiture against the following potential claimants:

- 2 a. Michael Ayala
- 3 b. Cassandra Muniz
- 4 c. Angel Gomez.

5 3. Plaintiff has shown that a complaint for forfeiture was  
6 filed; that potential claimants were personally served with  
7 process; that attorneys representing the potential claimants in  
8 the related criminal case were served by certified mail; that any  
9 and all other unknown potential claimants have been served by  
10 publication; and that grounds exist for entry of a final judgment  
11 of forfeiture.

12 4. Potential claimants Ayala, Muniz, and Gomez failed to  
13 file a claim to the defendant currency and failed to file an  
14 answer to the complaint pursuant to Rule C(6) of the Supplemental  
15 Rules for Certain Admiralty and Maritime Claims.

16 5. On May 11, 2005, pursuant to Rule 55(a) of the Federal  
17 Rules of Civil Procedure, a Clerk's Entry of Default was filed  
18 against Michael Ayala, Cassandra Muniz, and Angel Gomez.

19 Therefore, IT IS RECOMMENDED as follows:

20 6. That Michael Ayala, Cassandra Muniz, and Angel Gomez be  
21 held in default;

22 7. That plaintiff's motion for default judgment of  
23 forfeiture be granted;

24 8. That a judgment by default be entered against any right,  
25 title or interest of Michael Ayala, Cassandra Muniz, and Angel  
26 Gomez in the defendant currency;

27 9. That a final judgment be entered, forfeiting all right,  
28 title and interest in the defendant currency to the United States

1 of America, to be disposed of according to law, including all  
2 right, title and interest of Michael Ayala, Cassandra Muniz, and  
3 Angel Gomez;

4 10. That the Final Judgment of Forfeiture lodged herein be  
5 signed by the Honorable Morrison C. England, Jr. and filed by the  
6 Clerk of the Court.

7 Dated: June 6, 2005.

8 /s/ Peter A. Nowinski

9 PETER A. NOWINSKI

10 Magistrate Judge  
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